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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,669	11/15/2001	Pascal Treillard	Q67056	7507

7590 08/25/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
Suite 800
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,669

Applicant(s)

TREILLARD, PASCAL

Examiner

DANH C LE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 11/15/01 (paper # 3) has been considered by the examiner and made of record in the application file.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because improper language such as "means" and "said" in the abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang (US 6,519,457) in view of Korpela (US 6,510,146).**

As to claim 1, Jiang teaches a method for intersystem transfer of calls from a cellular mobile radio system using the macrodiversity transmission technique (figure 3), said macrodiversity transmission using a radio network controller of the cellular radio system, referred to as the serving controller (118), and at least one other radio network controller of the cellular radio system, referred to as the drift controller (144), wherein adjoining cell information relating to the soft handoff is signaled to said serving controller by at least one drift controller controlling (col.4, line 57-col.5, line 14 and col. 8, line 23-39).

Jiang fails to teach the handover between different systems, wherein adjoining cell information belonging to said first system and having at least one adjoining cell belonging to said second system. Korpela teaches the handover between different systems, wherein adjoining cell information belonging to said first system and having at least one adjoining cell belonging to said second system (col.7, lines 34-45 and col.8, line 60-col.9, line 16). Therefore, it would have been obvious to one of ordinary skill in

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the art at the time the invention was made to provide the teaching of Korpela into the system of Jiang in order to find a suitable cell from among those with a sufficient quality of service as suggested by Korpela (col.8, line 60-col.9, line 16).

As to claim 2, Jiang teaches a mobile radio network controller for cellular mobile radio systems using the macrodiversity transmission technique (figure 3), said macrodiversity transmission involving a radio network controller of the cellular radio system, referred as the serving controller (118), and at least one other radio network controller of the cellular radio system, referred to as the drift controller (144), wherein, if said controller has a drift controller role, it includes means for signaling controller having a serving controller role adjoining cell information relating to at least one adjoining cell of at least one serving cell that it controls of the cellular radio system (col.4, line 57-col.5, line 14 and col. 8, line 23-39).

Jiang fails to teach adjoining information relating least one adjoining cell belonging to a system different from that which said at least one serving cell belongs. Korpela teaches adjoining information relating least one adjoining cell belongs to a system different from that which said at least one serving cell belongs (col.7, lines 34-45 and col.8, line 60-col.9, line 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Korpela into the system of Jiang in order to find a suitable cell from among those with a sufficient quality of service as suggested by Korpela (col.8, line 60-col.9, line 16).

As to claim 3, Jiang teaches a mobile radio network radio systems using the macrodiversity transmission technique (figure 3), said macrodiversity transmission

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involving a radio network controller of the cellular system referred as the serving controller (118), and radio network controller of the cellular system, referred to as the drift controller (144), wherein, if said controller has a serving controller role, it includes means for receiving from a controller having a drift controller role (144), adjoining cell information relating to at least one adjoining cell of at least one serving cell controlled by said drift controller (col.8, line 60-col.9, line 16).

Jiang fails to teach adjoining information relating least one adjoining cell belonging to a system different from that to which at least one serving cell belongs. Korpela teaches adjoining information relating least one adjoining cell belonging to a system different from that to which at least one serving cell belongs (col.7, lines 34-45 and col.8, line 60-col.9, line 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Korpela into the system of Jiang in order to find a suitable cell from among those with a sufficient quality of service as suggested by Korpela (col.8, line 60-col.9, line 16).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Palat et al (US 6,765,890) teaches RAU optimization for UTMS URA connected state.

B. Hunte (US 6,665,538) teaches method for the determination of cell borders in cellular data communication systems.

C. Loke (US 6,728,528) teaches wireless communication device allowing a soft handoff procedure in a mobile communication system.

D. Schon et al (US 6,131,030) teaches system network and method for the transference of cell handover information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



August 21, 2004

DANH CONG LE
PATENT EXAMINER